FISH PROCESSING LICENSING BOARD

Activity Report 2010

Newfoundland
Labrador

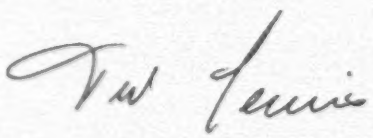
Letter from the Chairperson

In compliance with the province's commitment to transparency and accountability and on behalf of the Fish Processing Licensing Board, I am pleased to submit the *2010 Fish Processing Licensing Board Activity Report* to the House of Assembly. The Board is accountable for the preparation of this report and the results reported herein.

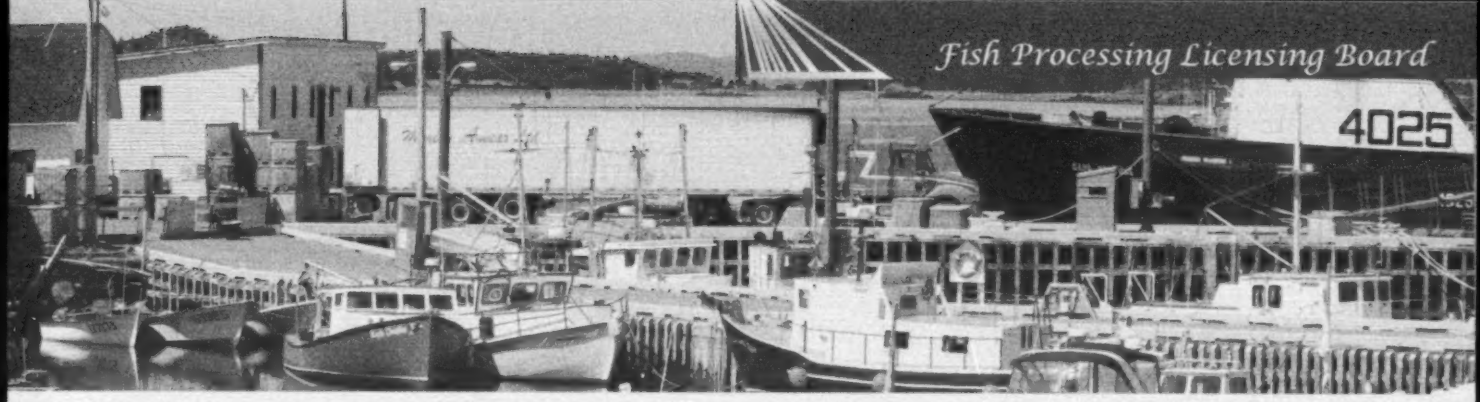
The Board is a public body consisting of five members appointed by the Lieutenant-Governor in Council. During 2010, the Board fulfilled its mandate to review and make public recommendations to the Minister of Fisheries and Aquaculture on all fish processing licensing applications and appeals made to the provincial government.

We have achieved our annual objective for 2010, as set out in our 2009 Activity Report, through our review of eight applications received by the Department of Fisheries and Aquaculture (DFA). In addition, through our review of the applications received by DFA over the 2007-10 time period, we have achieved our mission as set out in our 2007 and 2008-10 Activity Plans. Further, in making objective recommendations on all applications submitted for our consideration, the Board contributed to the efficiency of the fisheries sector and thereby to the strategic direction of government "to strengthen the role of the fishing industry as a key pillar of sustainable economic growth within the province."

Through our adherence to provincial legislation, consideration of all comments and information received from various stakeholders, and by following the established policies and procedures set out in the Fish Processing Licensing Policy Manual, we have diligently assessed processing licensing applications and appeals. During 2011, we look forward to advancing the fishing industry within the province through our continuing work.



Ted Lewis
Chairperson
Fish Processing Licensing Board



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Cover - Arlene Churchill - Fleur de Lys and St. Anthony

Processing shrimp on Fogo Island

1.0 Overview

The Fish Processing Licensing Board is responsible for reviewing and assessing all fish processing license proposals or requests made to the provincial government, in accordance with the Fish Processing Licensing Policy and the *Fish Processing Licensing Board Act*. To ensure that interested members of the public have the opportunity to provide comments to the Board with respect to fish processing license applications, applicants must advertise their intentions in both a generally circulated and a regional newspaper.

The Board's recommendations to the Minister of Fisheries and Aquaculture on all fish processing licensing proposals or requests are made public, as are the final decisions of the Minister. To ensure equity and impartiality, all Board members are appointed by the Lieutenant-Governor in Council.

In 2010, there were 121 processing facilities operating in this province: 102 primary, 10 in-province retail, 5 aquaculture and 4 secondary facilities. Throughout 2010, there were five licensing applications submitted to the Board. These included a new secondary processing license, a new aquaculture processing license, two applications to add a species and a license transfer. In addition to these licensing applications, there were four appeals made to the Board, of which two were recommended for acceptance and two for denial.

The *Fish Processing Licensing Board Act* requires the Board to meet a minimum of six times each calendar year. A quorum, consisting of three members of the Board, one of whom must be either the Chair or Vice-Chair, is required for each meeting. Meetings are held to review applications or to respond to a request from any person seeking information related to an application.

During the meetings held in 2010, there were 8 applications reviewed, while 1 application is awaiting the provision of additional information prior to review. In recent years, the number of applications received by the department has declined considerably, from 29 applications in 2008 to 9 in 2010.

1.1 Vision

In its assessment of applications, the Board supports the department's vision: "The vision of the Department of Fisheries and Aquaculture is sustainable fishing and aquaculture industries that achieve their optimum economic contribution to the Province of Newfoundland and Labrador." The Board supports the accomplishment of this vision through its provision of equitable and impartial assessments of processing applications.

1.2 Mission

The Fish Processing Licensing Board has adopted the mission of the Department of Fisheries and Aquaculture:

"By 2011, the Department of Fisheries and Aquaculture will have supported the strengthening of the fishing sector and expansion of the aquaculture industry to create economic opportunities for the province. "

The Fish Processing Licensing Board has contributed to the achievement of this mission through its provision of objective recommendations to the Minister regarding license applications.

1.3 Mandate

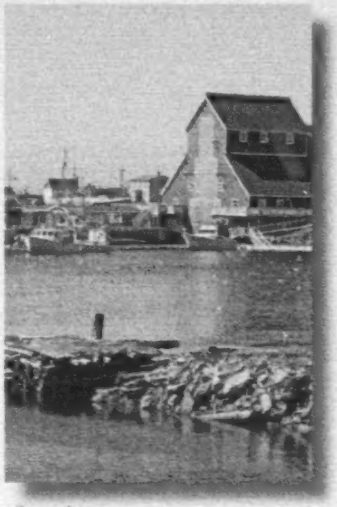
The mandate of the Fish Processing Licensing Board is to make public recommendations on all fish processing license proposals or requests made to the provincial government. Only the routine renewal of fish processing licenses is exempt from this process.

In keeping with its mandate, the Board's main objectives are to assess and make recommendations to the Minister of Fisheries and Aquaculture regarding:

- Licensing applications, including applications for new licenses, change of operator, and the consolidation and transfer of fish processing licenses;
- Applications for the addition of new species to existing fish processing licenses and, where appropriate, the Board will make recommendations regarding licenses on a regional basis;
- Corporate concentration, merger and acquisition issues in the context of fish processing licensing matters; and

- Appeals to reinstate licenses cancelled as a result of not meeting the activity requirements outlined in the Fish Processing Licensing Policy Manual.

The Board is also subject to other objectives which the Minister may determine. For other related powers and duties of the Board, refer to Appendix A.



Bonavista

1.4 Lines of Business

The Fish Processing Licensing Board reviews all requests for new fish processing licenses, transfers of licenses, change of operator and the addition of species to existing licenses. The Department of Fisheries and Aquaculture provides licensing policies and procedures to the Board to guide this process. The Board makes recommendations to the Minister and the Minister makes the final decision on all licensing matters.

For additional information regarding licensing policies and procedures, please visit the Department of Fisheries and Aquaculture website: http://www.fishaq.gov.nl.ca.

See also the following link to the policy manual:
http://www.fishaq.gov.nl.ca/licensing/Licensing_Policy_Manual_2010.

1.5 Composition of the Board

The composition of the Board is as follows:

1. The Board shall consist of five members to be appointed by the Lieutenant-Governor in Council, who shall serve at pleasure.

2. The membership of the Board shall include:
   - One member who shall be designated by the Lieutenant-Governor in Council as the Chairperson of the Board; and
   - One member who shall be elected Vice-Chairperson of the Board by an internal vote of the Board.

As of December 31, 2010, the Board was comprised of Ted Lewis (Chairperson), David Bonnell (Vice-Chairperson), Ida Powell, Shirley Shea and David Woodman.

Ted Lewis (Chairperson)

Ted's roots stem from the small community of Conche, a traditional fishing village on the eastern side of the Northern Peninsula. His ties to both the land and the sea are responsible for his profound respect for nature and the environment. The sustainability of the environment is critical not only to the success of his business interests and lifestyle but to the two communities where he currently resides, his employees and their families, as well as to businesses in the region.

Ted's education, work, volunteer and family experience have provided him with a broad perspective which enables him to contribute in a meaningful way to any organization of which he is a part. In 1995, he turned his focus to forestry, bringing with him skills acquired from his time in both the fishing and forestry industries; lessons learned from employment and self-employment; and ingenuity gained from life choices. With few resources, he set up a logging business that had no cutting allocations, no harvesting equipment and limited resources and which within ten years became one of the strongest, most vital parts of our primary forest industry. He went on to become the owner of the largest sawmill operating in the region and is currently President of Holson Forest Products Limited.

Mr. Lewis was appointed Chairperson of the Licensing Board in 2009.

David Bonnell (Vice-Chairperson)

David has recently retired as Head of the School of Fisheries at the Marine Institute and is the author of *Quality Assurance in Seafood Processing* (1994). He is a member of the Torngat Joint Fisheries Board and a past Board member with the Canadian Centre for Fisheries Innovation (CCFI), the Professional Fish Harvesters Certification Board (PFHCB) and the National Seafood Sector Council (NSSC). Mr. Bonnell has managed many projects for local fishing industry organizations and has held quality assurance positions with two Atlantic seafood processing companies. In addition, he served as Executive Director with the Seafood Management Education Association in St. John's.

Mr. Bonnell was appointed to the Board in 2005 as a member and was reappointed in 2007. In 2009, he was elected Vice-Chair of the Licensing Board.

Ida Powell

Born into a fishing family and raised in a fishing outport, Ida married and relocated to Charlottetown, Labrador, in 1990. She immediately recognized an opportunity to help Charlottetown prosper. Her lifelong ambition was to do good for other people and she turned that ambition into action through her involvement in numerous volunteer committees and functions. Through her grass-roots community activism, she was successful in securing a fire truck for the local fire brigade, and free community access to CBC Radio. She also fund-raises for various organizations, including the local clinic, Charlottetown Recreation Committee, the Janeway, the Annual Shrimp Festival, the Red Cross, and the Cancer Relay.

Plant in Fleur de Lys

In addition to her many other activities, Ida has served as Mayor of Charlottetown where she was able to put action to her passion for promoting economic growth and development. After her election to Council in 1997, she spearheaded a team of volunteers who were successful in their lobbying efforts to secure $3.5 million to construct a water line to the $11 million shrimp processing facility. In the spring of 2000 the plant opened, supported by approximately 60 boats and employing more than 120 people from the southeast coast area.

Ms. Powell was appointed to the Fish Processing Licensing Board in 2005 and was reappointed as a member in 2007.

Shirley Shea

Shirley was born and raised in a fishing community and has been exposed to the fishing industry all her life. She graduated from St. Pius X High School in Baie Verte and has managerial experience in telemarketing.

Ms. Shea was appointed to the Fish Processing Licensing Board in 2008.

David Woodman

David was born in Bishop's Falls, and later moved to Harbour Main. He served on the Harbour Main Town Council for 17 years, including 3 years as Deputy Mayor and 9 years as Mayor. During the 1990s, he operated an independent garage in Holyrood. He has since retired.

Mr. Woodman was appointed to the Fish Processing Licensing Board in 2009.

1.6 Secretariat to the Board

The Department of Fisheries and Aquaculture's Licensing and Quality Assurance Division serves as the Secretariat to the Board. The duties and responsibilities of the Secretariat include, but are not limited to, all administrative functions, the review of all applications and the provision of background and other relevant information to the Board for use in its deliberations. Copies of all proposals and requests submitted to the Board are also provided to the Minister. The department's Fish Processing Licensing Policy Manual guides the Board in making recommendations.

The Director of the Licensing and Quality Assurance Division acts as the Recording Secretary for the Board. The Recording Secretary is responsible for preparing and distributing the minutes of all meetings, as well as compiling a record of the Board's recommendations. The record of recommendations is signed by the Chair or Vice-Chair of the Board and then submitted to the Minister, through the Secretariat, for review and rendering of a final decision on licensing applications.

You may contact the Fish Processing Licensing Board at the following address:

Fish Processing Licensing Board Secretariat
c/o Ian Burford, Director of Licensing and Quality Assurance
Department of Fisheries and Aquaculture
30 Strawberry Marsh Road
P.O. Box 8700
St. John's, NL A1B 4J6

1.7 Physical Location/Regional Representation

Board meetings may be held at different locations throughout the year. Meetings are held to review applications or to respond to the request of any person asking for information related to an application.

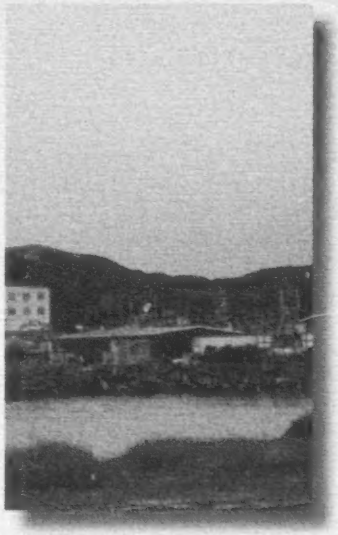
Members of the Board are selected with a consideration of gender balance and regional distribution. Members are expected to have a general knowledge of, but not a vested interest in, the fishing industry. Members of the 2010 Board represented the Eastern, Western, Central and Labrador regions of the province. The Secretariat to the Board is located at the Department of Fisheries and Aquaculture's headquarters in St. John's.

Wharf on the Baccalieu Trail

1.8 Primary Clients

In delivering its mandate, the Board identifies individuals or groups whose needs have an influence on the Board's business. The Board identifies the following as primary clients:

- The people of Newfoundland and Labrador;
- The Minister of Fisheries and Aquaculture;
- Fish processors; and
- Fish buyers.



Plant in St. Anthony

1.9 Values

The Fish Processing Licensing Board practices the relevant core values and guiding principles followed by the Department of Fisheries and Aquaculture, as set out in the Department's Strategic Plan 2008-2011 (refer to Appendix B).

1.10 Financial Information

The Fish Processing Licensing Board is funded annually by the Department of Fisheries and Aquaculture. This funding is used to cover travel costs, remuneration of Board members (according to Treasury Board guidelines), as well as any other miscellaneous costs associated with meetings. Where possible, the Board will operate on a cost recovery basis through the collection of application fees.

1.11 Definitions

In-Province Retail: In-Province Retail are processors who are authorized to buy and process the species identified on their license for the purpose of supplying fish products for sale within the province.

Primary Processing: Primary Processing refers to the processing of fish as part of its preparation for market through the application of any one or more of the following processes: washing, cleaning, icing, skinning, shucking, filleting, portioning, pickling, cooking, salting, curing, drying, freezing or canning.

Secondary Processing: Secondary processing refers to the processing of fish as part of its preparation for market beyond the primary processing stage. This can be achieved by:

1. adding one or more ingredient, other than water or salt, which results in a substantive increase to the bulk and/or a substantive transformation to the taste and texture of the fish as a food product (e.g., au gratin, chowder or sauce); or
2. applying some other treatment or process to it, other than salting or curing, which results in a significant taste, flavour and/or texture enhancement of the fish as a food product (e.g., breading, battering, smoking, marinating or pasteurizing).

2.0 Report on Mission

The Fish Processing Licensing Board has adopted the mission of the Department of Fisheries and Aquaculture, as outlined in the department's 2008-11 Strategic Plan. By making objective recommendations to the Minister regarding license applications, the Board meets its commitment to support "the strengthening of the fishing sector and the expansion of the aquaculture industry to create economic opportunities for the province."

From 2007 to 2010, the period of this mission, the Fish Processing Licensing Board considered 79 applications from fish processors. Of these, 55 were recommended for approval, 18 were recommended for rejection and 1 was recommended for partial approval (two of six species). In addition, 4 applications were withdrawn and 1 was pending review as of the end of the reporting period.

Of these 79 applications, 8 were for new licenses, 16 for the addition of new species, 8 for transfers of licenses, 23 for change of operator and 23 for appeal. There was also 1 application submitted for a transfer/combining, as a result of changes to the seafood processing policy framework announced by the Department of Fisheries and Aquaculture on October 27, 2008.

The 2008 revised framework included more rigorous policies in relation to the issuance of new processing licenses, tighter policy guidelines for the transfer of licenses and opportunities for the combining of existing value-added (snap-and-eat) crab licenses. The modified framework was intended to provide the Board with clearer guidelines in reviewing license applications and to provide for a more transparent process overall. The framework's goal, as a component of the province's Fishing Industry Renewal (FIR) Strategy, was to provide a reasonable investment climate, more secure and long-term employment, and an industry better equipped to extract maximum value from global markets for processing workers and harvesters.

The implementation of the FIR Strategy was an important component of the department's mission to support the strengthening of the fishing industry. In using the revised framework as a guideline for making objective recommendations to the Minister regarding processing licensing applications, the Board supported the mission of the department and, consequently, its own.

The table below outlines the applications considered and recommendations made during the four years of this mission.

Licensing Board Activity, 2007-2010

Type of Request	Number of Requests	Recommended for Approval	Recommended for Rejection	Other Outcomes
New Licenses	8	5	3	-
New Species	16	8	4	1 partial approval*; 2 withdrawn applications; and 1 pending review
Transfer/ Combining	1	1	-	-
Transfer	8	6	2	-
Change of Operator	23	20	1	2 withdrawn applications
Appeal	23	15	8	-
TOTAL	79	55	18	1 partial approval; 4 withdrawn applications; and 1 pending review

*Application was approved to add two of the six requested species

3.0 Report on Performance 2010

All fish processing applications and requests are reviewed by The Fish Processing Licensing Board. "The Board shall, after considering the application, make a recommendation to the Minister regarding that application, including its reasons for that recommendation," as stated in the *Fish Processing Licensing Board Act*, Paragraph 10(2)(c). The Act also states in Section 11: "The Minister shall consider a recommendation of the Board made to him or her under paragraph 10(2)(c) and shall, following his or her decision with respect to the application, release both the recommendation of the Board and his or her decision regarding the application first to the applicant and then to the public."

The Board is responsible for conducting an evaluation of the applicant's proposal based on information provided by the Board's Secretariat, Regional Directors and other branches/divisions of the Department of Fisheries and Aquaculture, other government departments and agencies, as well as any responses received as a result of the proponent's public advertisement of the application. The Board has the ability to hold public meetings if it is deemed necessary. Finally, the Board will evaluate the application based on government policy and assessment criteria, taking into account all comments and information received from various stakeholders.

To accomplish its annual objective in 2010, the Fish Processing Licensing Board met to assess two new license applications, one new species request, one transfer request and four appeals. Through diligent application of the Fish Processing Licensing Policy and guidelines, the Board contributed to increasing the efficiency of the fisheries sector. This work directly contributed to the department's strategic direction to "strengthen the role of the fishing industry as a key pillar of sustainable economic growth within the province."

Issue 1: Fish Processing Licenses

OBJECTIVE: The Fish Processing Licensing Board will make recommendations to the Minister of Fisheries and Aquaculture on matters pertaining to fish processing licensing.

MEASURE: Recommendations made to the Minister of Fisheries and Aquaculture on matters pertaining to fish processing licenses.

Indicators:	Activity Overview for 2010*
1. Assessed applications for new licenses as required and made recommendations.	1. The Board assessed two applications for new licenses and made recommendations to the Minister.
2. Assessed applications for license transfer or consolidation as required and made recommendations.	2. The Board assessed and made recommendations to the Minister on one license transfer application.
3. Assessed applications for addition of new species as required and made recommendations.	3. The Board received two applications to add new species and made a recommendation to the Minister. One application is pending review.
4. Assessed appeals and made recommendations as required.	4. The Board assessed and made recommendations to the Minister on four appeals to reinstate species to primary processing licenses.

***For a complete list of applications/appeals considered by the Fish Processing Licensing Board in 2010, see Appendix C.**

1.1 Assessed applications for new licenses as required and made recommendations.

The two applications considered by the Board under this category were for a secondary processing license and an aquaculture processing license. Secondary processing involves the processing of fish beyond the primary processing stage. Secondary processing licenses are not specifically restricted by resource considerations, and are encouraged where applicants submit a detailed, viable business plan. The Board reviewed two applications for new licenses and made the following recommendations to the Minister.

1. Blue Ocean Products Ltd., Harbour Grace: Application for a new license for secondary processing of groundfish, pelagics and shellfish was recommended for rejection; and

2. Plastik Industries of Canada Ltd., Piccadilly: Application for an aquaculture processing license for the species mussels was recommended for approval.

1.2 Assessed applications for license transfer or consolidation as required and made recommendations.

A license transfer is the movement of one or more species category from one fish processing facility to another, resulting in the elimination of those species or species groups from the originating license. The Board reviewed one transfer application which was not recommended for approval.

1. Atlantic Cold Sea Foods Ltd, St. Joseph's: Application for transfer of species snow crab from Cold North Seafoods Ltd., Little Bay Islands, to Atlantic Cold Sea Foods Ltd. The application was recommended for rejection.

1.3 Assessed applications for addition of new species as required and made recommendations.

Adding a new species may utilize existing processing facilities capacity, contributing to improved efficiency and allowing the enterprise to be more competitive in the marketplace. In 2010, the Board received two applications to process new species. One application is currently under review by the Board, and one application was recommended for approval of two of the six species requested for addition.

1. Northern Lights Seafoods Inc., Main Brook: Application for the addition of the species whelk, sea cucumber, lumpfish, scallop, lobster and eel. Approval of the application for the addition of only scallop and eel was recommended.

2. Clearwater Seafoods Limited Partnership, Grand Bank: Application for the addition of the species sea cucumber. This application is currently pending.

1.4 Assessed appeals and made recommendations as required.

An appeal is a process for requesting a formal change to an official decision; all appeals are directed to the Board for consideration. When appealing a decision, the applicant is not required to advertise. The request is directed to the Board when the license holder has lost a species authorization(s) due to inactivity (no reported production) or does not meet the minimum production requirements set out in the Fish Processing Licensing Policy Manual.

The Board received four appeals. Two were recommended for approval and two were not recommended for approval.

1. Northern Seafood Ltd., Conche: Appealed to reinstate a primary processing license for whelk. The appeal was recommended for approval.

2. Fogo Island Co-operative Society Ltd., Joe Batt's Arm: Appealed to reinstate a primary processing license for pelagics (all species). The appeal was recommended for rejection.

3. Ocean Choice International L.P., Triton: Appealed to reinstate a primary processing license for groundfish (all species). The appeal was recommended for rejection.

4. Codroy Seafoods Inc., Codroy: Appealed to reinstate a primary processing license for crab (other species). The appeal was recommended for approval.

Arnold's Cove

Appendix A - Powers and Duties of the Board

Powers and Duties of the Board
Under the *Fish Processing Licensing Board Act*

9. (1) **The Board shall**

a) consider an application for a fish processing licence which has been properly made to it, including an application for a new licence, a consolidated licence or a transfer of licence;
b) consider an application made to it under this Act which it is authorized to consider;
c) consider a matter referred to it by the Minister, where that matter is one of general application which does not refer specifically to a particular fish processing licence;
d) consider an application related to corporate concentration, merger and acquisition issues in the context of fish processing licensing matters; and
e) after considering a matter referred to in paragraphs (a) to (c), make a recommendation, including its reasons for that recommendation, to the Minister with respect to a course of action on that matter.

(2) **The Board may**

a) request that the Minister provide professional or technical assistance or advice required by it to make its recommendations to the Minister; and
b) generally, do those other things that are necessary to fulfill its mandate and make the required recommendations to the Minister regarding an application under this Act.

Appendix B - Values and Guiding Principles

Values and Guiding Principles

The character of the Department of Fisheries and Aquaculture is defined and promoted through the core values identified below. The core values and the actions which flow from these values guide both the department's work with its clients and interactions among departmental staff.

Collaboration and Teamwork	In delivering the department's programs and services, each individual does so through consultation, partnership and teamwork with clients, industry stakeholders, and co-workers.
Accountability and Responsibility	Each individual participates in government's work planning initiatives and is accountable for the responsibilities identified in their individual work plans.
Communication	Each individual shares information, while respecting confidentiality requirements, with co-workers and industry stakeholders and on a timely basis.
Service to the Public	Each individual demonstrates respect for the public they serve through the following actions: timely and courteous responses to public enquiries; efficient and cost-effective delivery of programs and services; and identification of cost-saving measures wherever possible.
Respect	Each individual treats clients and co-workers in a courteous and considerate manner. They listen to and consider differing views and opinions and operate within the principles of a respectful workplace. Respect is demonstrated through the efficient and timely response to requests and questions.
Confidentiality	Each individual ensures information provided to the department on a confidential basis is respected and protected from disclosure.
Recognition	Each individual recognizes, appreciates and celebrates co-worker accomplishments which contribute to the department's goals and objectives.
Sustainable Development	Each individual works toward the sustainable development of the province's renewable fisheries and aquaculture resources.

Appendix C - Applications/Appeals Considered by the Fish Processing Licensing Board in 2010

Applicant	Location	Application Request	Date of Application	Application Status		
				Species considered	Licensing Board Recommendation	Ministerial Decision
NEW LICENSE						
Blue Ocean Products Ltd.	Harbour Grace	Secondary Processing License	October 8, 2009 Revised proposal February 2010	Groundfish, Pelagics, Shellfish	Rejected	Rejected
Plastik Industries of Canada Ltd.	Piccadilly	Aquaculture Processing License	March 17, 2010	Mussels	Approved	Approved
TRANSFERS						
Atlantic Cold Sea Foods Ltd.	St. Joseph's	Transfer of Species from Cold North Seafoods Ltd., Little Bay Islands, to Atlantic Cold Sea Foods Ltd., St. Joseph's	July 16, 2010	Snow Crab (other species)	Rejected	Rejected
NEW SPECIES						
Northern Lights Seafoods Ltd.	Main Brook	Addition of Species	February 16, 2010	Whelk, Sea Cucumber, Lumpfish, Scallop, Lobster and Eel	Approved Scallop and Eel Only	Approved Scallop and Eel Only
Clearwater Seafoods Limited Partnership	Grand Bank	Addition of Species	August 16, 2010	Sea Cucumber	Under Review	-
APPEALS						
Northern Seafood Ltd.	Conche	Reinstate Primary Processing License	July 5, 2010	Whelk	Approved	Approved
Fogo Island Co-operative Society Ltd.	Joe Batt's Arm	Reinstate Primary Processing License	July 15, 2010	Pelagics (all species)	Rejected	Rejected
Ocean Choice International L.P.	Triton	Reinstate Primary Processing License	July 16, 2010	Groundfish (all species)	Rejected	Rejected
Codroy Seafoods Inc.	Codroy	Reinstate Primary Processing License	June 22, 2010	Crab (other species)	Approved	Approved

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